

Religious Ministry Support

REFERENCE / AUTHORITYSOURCE DOCUMENT

Information Sheet

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TITLE: CONVENIENCE OF THE GOVERNMENT
SEPARATION BASED ON CONSCIENTIOUS
OBJECTION (ENLISTED AND OFFICERS)

Date: April 2000 edition

Purpose: Defines the policy, procedures, and requirements for subject
process. (Includes chaplain's requirements).

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MILPERSMAN 1900-020

Convenience of the Government Separation Based on Conscientious Objection (Enlisted and Officers)

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Governing Directives	Title 50, U.S.C., Section 456 Title 38, U.S.C., Section 3103 Title 5, U.S.C., Section 301		
Policy	Members may be separated on the basis of Conscientious Objection when their religious training and belief have a firm, fixed, and sincere objection of their participation in war in any form, or the bearing of arms.		
Burden of Proof	The applicant bears the burden of proving their claim of conscientious objection as grounds for separation, or assignment to noncombatant training and service. They must show, by clear and convincing evidence: <ul style="list-style-type: none">• that the nature or basis of their claim comes within the definition and criteria prescribed herein; and• that their belief in connection therewith is honest, sincere, and deeply held. They also have the burden of determining and setting forth the exact nature of their request (i.e., whether for separation based on conscientious objection (1-0); or for assignment to noncombatant training and service based on conscientious objection (1-A-0).		
Conditions or Restrictions	After entering the naval service, a request for discharge based solely on conscientious objection, which existed but was not claimed prior to enlistment or notice of induction, shall not be considered when such beliefs satisfied the requirements if: <ul style="list-style-type: none">• classification as a conscientious objector under Section 6(j) of the Universal Military Training and Service Act, as amended (50 USC 456) and related provisions of law, and• the member failed to request classification as a conscientious objector by the Selective Service System (SSS),		

- or if their request for classification as a conscientious objector before entering military service was denied on the merits by the SSS and their present request for classification as a conscientious objector is based on essentially the same grounds, or
- supported by essentially the same evidence, as the request which was denied by the SSS.

Claims growing out of the experiences prior to entering military service but which did not become fixed until after entry into the service will not be considered.

All claims of conscientious objection will be judged by SSS standards used in determining 1-0 or 1-A-0 classification of draft registrants prior to induction. Subject to the limitations set forth above, an application for conscientious objector status may be approved for any member who is conscientiously opposed to participation in war, in any form, when opposition is founded on "religious training and belief" as defined in MILPERSMAN 1900-010, and whose position is sincere and deeply held.

A true conscientious objector must be against all wars, rather than a specific war.

**Applicant's
Proof of Moral
and Ethical
Beliefs**

The applicant must show that moral and ethical beliefs are against participation in war, in any form, that these beliefs have directed their life in the way traditional religious convictions of equal strength, depth, and duration have directed the lives of those whose beliefs are clearly found in traditional religious convictions.

Primary

A primary factor to be considered is the sincerity with which the belief is held. Great care must be exercised in determining whether asserted beliefs are honestly and genuinely held. Sincerely is determined by an impartial evaluation of the applicant's thinking and living in its totality, past and present.

Care must be exercised in determining the integrity of belief and the consistency of application.

Information presented by the application should be sufficient to convince that the applicant's personal history reveals views and actions strong enough to demonstrate the beliefs upon which conscientious objections is based is the primary controlling force in their life and that expediency or avoidance of military service is not the basis of their claim.

The conduct of an applicant, in particular their outward manifestation of the beliefs asserted, will be carefully examined and given substantial weight in evaluating the application.

